IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14566 of 2006
Date of Decision: 12.12.2006

Allahabad Bank

Petitioner

versus

State of Haryana and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri B.K.Bagri, Advocate for the petitioner
Shri B.S.Rana, Addl.A.G. Haryana
Shri N.S.Dhillon, Advocate for respondent No.6

Jasbir Singh, J. (Oral)

This writ petition has been filed with a prayer that the directions be issued to the respondents, especially, respondent No.3, to deduct outstanding amount of personal loan of Sh.Shri Ram Saini, Assistant, Office of District Employment Officer, Kurukshetra, from his dues, and deposit that amount with the bank, to clear the loan account of above said person.

It is not in dispute that Sh.Shri Ram Saini had raised a loan from the bank under the Scheme known as "All Bank Saral Loan Scheme", made for salaried persons. At the time of getting the loan amount, he has given following undertaking:-

> *"Undertaking from the borrower authorizing the Bank to receive money towards his/her terminal dues payable by the employer in case there is any outstanding lying in his/her Loan Account under All Bank Saral Loan Scheme. Also, Irrevocable Letter of Authority given by the borrower to the Bank to deduct loan installments from Savings Bank Account.*
>
> *The Manager,*

Allahabad Bank,
Karnal Branch.

Place: Karnal
Date 14.12.04

Dear Sir,

All Bank Loan Scheme

This has reference to my application dated 14.12.04 requesting you to sanction in my favour a loan of Rs.200000/- (Rupees two lac only) under All Bank Saral Loan Scheme for Salaried persons.

In this connection, I do hereby authorise you to receive/ collect my terminal dues from my employer and adjust/ appropriate the entire money representing my terminal dues payable by my employer on my retirement/ resignation/ death/ operation of law, during the pendency of the loan, towards liquidation of outstanding, if any, lying in my said loan account.

Balance left, if any, after adjustment of the outstanding as above, may be paid to me/ my legal heirs/ executors/ administrators/ assignees etc.

In this connection, I do hereby irrevocably authorise you to deduct loan installments on monthly basis and all other dues to the Bank from my Savings Bank Account till liquidation of the loan under All Bank Saral Loan Scheme.

This undertaking shall remain in force till the loan with interest thereon is liquidated in full and a no dues certificate issued by you. This undertaking will also be binding on my legal heirs/ executors/ assignees etc.

Yours faithfully,

Name & Address of my Employer:
Disst. Empl.Office
Karnal

Sd/-
(Signature of the applicant)
Name: Shri Ram Saini

Designation: Asstt."

It is also not in dispute that Sh.Shri Ram Saini had already died and respondent No.6 is entitled to get benefits, after his death. Money equal to the amount due, is still available with the government. Counsel for

respondent No.6 states that she has no objection if the said amount is paid to the bank to clear loan account of Sh.Shri Ram Saini, the deceased.

In view of fair stand taken by respondent No.6, we direct respondent No.3 to pay the amount, which is payable to respondent No.6, after death of Shri Saini, to the bank. Needful be done within two weeks from the date of receipt of a certified copy of this order. The balance amount, if any, shall be paid to respondent No.6, thereafter, forthwith.

Disposed of.

(Jasbir Singh)
Judge

December 12, 2006 **(Pritam Pal)**
gk **Judge**